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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 RIMINI STREET, INC. a Nevada Corporation;

10 Plaintiff,

11 v.

12 ORACLE INTERNATIONAL
13 CORPORATION, a California Corporation,

14 Defendant.

15
16 ORACLE AMERICA, INC., a Delaware
17 Corporation; and ORACLE
18 INTERNATIONAL CORPORATION,

19 Plaintiff,

20 v.

21 RIMINI STREET, INC.; and SETH RAVIN, an
22 individual,

23 Counter-defendants.

Case No. 2:14-cv-1699-LRH-CWH

ORDER

24 Before the court is defendant and counter-claimants Oracle International Corporation and
25 Oracle America, Inc.'s (collectively "Oracle") motion to dismiss claims two through six of
26 plaintiff Rimini Street, Inc.'s ("Rimini Street") second amended complaint (ECF No. 367).
27 ECF No. 400.

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1 After the filing of the Oracle's motion, Rimini Street filed a motion for leave to file a
2 third amended complaint (ECF No. 465) which was granted by the court (ECF No. 486).
3 Thereafter, on May 2, 2017, Rimini Street filed its third and final amended complaint.
4 ECF No. 487. The filing of Rimini Street's third amended complaint supersedes the second
5 amended complaint in its entirety. As such, Oracle's motion to dismiss claims two through six of
6 the second amended complaint is now moot. Further, Oracle has already filed a separate motion
7 to dismiss claims two through eight of Rimini Street's third amended complaint (ECF No. 505)
8 which is now fully briefed and shall be addressed by the court in a separate order. Therefore, the
9 court shall deny Oracle's motion to dismiss claims two through six of the second amended
10 complaint.

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12 IT IS THEREFORE ORDERED defendant/counter-claimants' motion to dismiss claims
13 two through six of plaintiff's second amended complaint (ECF No. 400) is DENIED without
14 prejudice.

15 IT IS FURTHER ORDERED that plaintiff's motion for a hearing on defendant/counter-
16 claimants' motion (ECF No. 404) is DENIED as moot.

17 IT IS SO ORDERED.

18 DATED this 12th day of September, 2017.

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21 LARRY R. HICKS
22 UNITED STATES DISTRICT JUDGE
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